

REMARKS

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The Office Action dated November 16, 2005 has been received and its contents carefully reviewed.

Claims 1-13 are currently pending. Applicant amends claim 1. Reexamination and reconsideration of the pending claims is respectfully requested.

In the Office Action, claims 1-13 are rejected under 35 U.S.C. §112, first paragraph. Applicant amends claim 1 to overcome the rejection, and notes that the elements recited in claim 1 are disclosed throughout the specification, for example at page 11, lines 4-7; page 12, lines 10-18, and in Figures 5A-6B. Accordingly, Applicant respectfully requests this rejection be withdrawn.

Claims 1-2 and 11 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,247,191 to Yamazaki in combination with U.S. Patent 6,480,253 to Shigeta, U.S. Patent 5,891,804 to Havemann, and U.S. Patent 5,660,706 to Zhao. Claims 3, 6, and 9 are rejected under 35 U.S.C. §103(a) as being unpatentable over the references cited above and further in view of U.S. Patent 6,284,652 to Charneski and U.S. Patent 3,632,435 to Eriksson. Claims 4-5, 7, 8, and 10 are rejected under 35 U.S.C. §103(a) as being unpatentable over the references cited above and further in view of U.S. Patent 5,364,459 to Senda. Claims 12 and 13 are rejected under 35 U.S.C. §103(a) as being unpatentable over the references cited above and further in view of JP 265040 and the admitted prior art. Applicant respectfully traverses these rejections.

First, none of the cited references, considered separately or in combination, discloses or suggests all of the elements recited in claim 1, including, for example, “the first metal on the second metal is at substantially the same height as the substrate, and wherein a surface including the surface of the substrate and the surface of the first metal is substantially planar”. None of Yamazaki, Shigeta, Havemann, Zhao, Charneski, Eriksson, Senda, JP 265040 or the admitted prior art disclose or suggest this element.

By way of further example, Zhao does not disclose or suggest “a surface including the surface of the substrate and the surface of the first metal is substantially planar” as recited in claim 1. Figs. 12 and 13 of Zhao illustrate only a cross section portion of the structure - the top,

bottom, left and right ends of the in Figs. 12 and 13 are not the actual ends of the structure. Accordingly, Zhao does not disclose or suggest "a surface including the surface of the dielectric 56 and the copper 52c is planar," as alleged by the Examiner.

In addition, it would not have been obvious at the time of the invention for one of ordinary skill in the art to combine the references. For example, Yamazaki teaches how to improve cell gap uniformity, whereas Shigeta discloses how to improve conductivity of the metal line. Because the references teach in different directions, there would not have been any motivation to combine them. The rejection thus traversed, Applicant submits that claim 1 is allowable, and claims 2-13 are allowable at least by virtue of their dependence on claim 1.

Applicant believes the foregoing amendments and discussion place the application in condition for allowance and early, favorable action is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

Dated: January 13, 2006

Respectfully submitted,

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